



Forwarding Information Requests and Appeals

Guidelines for the consideration

of

Central Assistant Public Information Officers

under

The Right to Information Act, 2005

Introduction

The Right to Information Bill was introduced in the Lok Sabha in December 2004. It was passed by both houses of Parliament in May 2005. The assent of the President was received on 15th June and the Act was notified in The Gazette of India on 21st June. The *Right to Information Act* has become fully operational from the 12th October, 2005 after the completion of 120 days from the date of Presidential assent. The *Freedom of Information Act* passed by Parliament in 2002 has been repealed.

The *Right to Information Act* (RTI Act) covers all levels of government – Centre, State, district and local self governing bodies like Panchayats and Municipal bodies. It also covers non-governmental organisations – i.e. NGOs, VOs, companies and other private bodies – that are financed substantially with public funds provided by the government. This means every citizen has the right to put in an application requesting information or copies of records held by these bodies and such information should be given by the concerned body.

The citizens' right to information is not explicitly mentioned in the fundamental rights chapter of the Constitution. But in more than 15 cases the Supreme Court of India has declared that the fundamental right to life and liberty [Art. 21] and the fundamental right to freedom of speech and expression [Art. 19(1)] include every citizen's fundamental right to access information held by public authorities. Parliament passed the RTI Act to enable all citizens to use their fundamental right to access information from public bodies.

The main objectives of the RTI Act are –

- To promote transparency and accountability in the working of every public authority and
- to set up a practical regime for giving citizens access to information that is under the control of public authorities.

The Three Level Regime for Accessing Information



At the first level of the regime, every public authority has designated Public Information Officers for receiving applications (also called 'information requests') from citizens.

At the second level, every public authority has designated senior officers to look into appeals in cases where citizens' requests for information have been refused. If citizens do not get the requested information or are unsatisfied with the information they have received, under this law they have the right to send an appeal to the First Appellate Authority (AA) designated within the concerned public authority.

At the third level, an independent Central Information Commission (CIC) has been set up to look into those cases where citizens are unsatisfied with the decision of the AA. The CIC also has the powers and responsibility to monitor compliance of public authorities under this Act and submit an annual report to Parliament.

Role of Courts

According to the RTI Act the decision of the CIC is binding on all parties. Courts are barred from inquiring into the decision of the CIC. But it must be remembered that this law gives effect to a fundamental right of citizens. According to the Constitution, the High Courts (Art. 224) and the Supreme Court (Art. 32) have the power to look into any matter relating to the fundamental rights of citizens. Technically, a citizen has the right to approach the High Court or the Supreme Court through a writ petition if he/she is not satisfied with the decision of the CIC.

Role of the Central Public Information Officer

Under the RTI Act, Central Public Information Officers (CPIOs) should be designated in all offices and administrative units of every public authority in order to deal with information requests from citizens. They also have the responsibility and duty to provide the requested information within 30 days if it is disclosable. The CPIO is the main point person whom citizens will contact for exercising their right to information under this law. In public authorities controlled by the State Government they are called State Public Information Officers (SPIOs).

The Central Assistant Public Information Officer

The RTI Act requires that the State Government designate Central Assistant Public Information Officers (CAPIO) at the sub-divisional or sub-district level.

Please remember –

– the Central Assistant Public Information Officer is not an assistant to the CPIO or the SPIO.

In public authorities controlled by State Governments they are called State Assistant Public Information Officers (SAPIOs).



Duties and Responsibilities of CAPIOs

• DUTY TO FORWARD INFORMATION REQUESTS TO THE CPIO

Under the law the CAPIOs will act like a one-way post office. Every CAPIO has the duty and responsibility to receive information requests from citizens and forward them to the CPIO of the concerned public authority that is likely to have the information being sought by the applicant.

Please remember –

- ***the Government of India has not prescribed any format for filing applications for information under the RTI Act. Even if your public authority has printed application forms for use under the RTI Act you cannot refuse to accept plain paper applications from citizens. The Central Information Commission has said in several decisions that public authorities must not insist upon citizens to file applications in pre-printed formats nor should an application be rejected because it was not submitted in the printed format.***
- ***a CAPIO is not responsible for giving information to the requestor. (It is the responsibility of the Central Public Information Officer to give information to the requestor.)***
- ***a CAPIO does not have the power to ask the requestor why he/she wants such information.***
(The RTI Act states clearly that the requestor should not be asked to give reasons for seeking information)

• DUTY TO FORWARD APPEALS TO THE AA AND THE CENTRAL INFORMATION COMMISSION

The CAPIO also has the duty and responsibility to receive appeals against the decision of CPIOs and forward them to the Appellate Authority or the Central Information Commission as required in the letter of appeal submitted by the aggrieved citizen.

Please remember –

- ***The CAPIO must forward all applications received by him immediately.***
(The RTI Act allows the public authority only 5 extra days over and above the limit of 30 days to give information to the applicant if the request is forwarded through the CAPIO. So it is important to send the application to the CPIO without any delay.)
- ***The CAPIO must forward all appeals received by him to the concerned AA or the CIC immediately.***
- ***The citizen has the right to send a complaint to the CIC if the CAPIO does not accept his application and forward it to the CPIO. If proven guilty the CAPIO may be fined by the CIC from a minimum of Rs. 250/- up to a maximum of Rs. 25,000/- for each offence.***



Forwarding Information Requests

For Applications received in person

Step 1 : Receiving the Application

As far as possible please receive citizens' applications for information personally.

Advice:

If you are on leave or travelling on duty please delegate the task of receiving applications to your colleague or subordinate in writing. This standby arrangement must be displayed on the main notice board for the benefit of common people.

Step 2 : Checking the Application

Please check whether the application contains the following details and enclosures –

- i) **name of the applicant**
- ii) **contact details of the applicant including complete postal address, telephone numbers and email address (if any)**
- iii) **name of the public authority from whom the information is being requested**
- iv) **nature and details of the information requested**
- v) **period for which information is being requested (if applicable)**
- vi) **whether proof of payment of application fee is attached or not**
- vii) **if the applicant claims fee waiver whether proof of BPL status is attached or not**
- viii) **whether the applicant wishes to receive the information by post?**
- ix) **date on which application is being submitted.**



Advice:-

- 1) If the application is not legible please assist the applicant to write it clearly.
- 2) If the applicant has not filled in one or more of the above details please bring the same to his/her notice and request him/her to fill in the details.
- 3) Please make sure that the date mentioned on the application matches with the date on which you are actually receiving the application. This is very important for calculating the deadline while forwarding the application to the PIO.
- 4) The Government will notify the amount of application fees payable.
- 5) The applicant may have attached a bank draft, postal order, or banker's cheque as proof of payment of application fee. All such modes of payments are valid. Please do not insist on a particular mode of payment. If your office has the facility to accept cash receipts from citizens you cannot refuse to accept RTI application fees in cash if the applicant chooses this mode of payment.
- 6) The applicant may not always know the exact name and complete postal address of the public authority which has the information he/she wants. So please do not insist upon the applicant to furnish these details. ***It is the duty of the CPIO to send the application to the concerned CPIO.*** (The CPIO directory published by the Central Government may be consulted on the RTI portal – <http://rti.gov.in> for this purpose.)
- 7) If claiming fee waiver, the BPL applicant must attach a photocopy of a BPL/Antyodaya ration card or any other valid proof of BPL identity that may be prescribed by the Government.

Step 3 : Collecting Application Fees/Proof of Identity

If the applicant has not already attached proof of payment of application fees you may collect the prescribed application fee in cash.

or

If the applicant has not attached proof of BPL identity in support of his/her claim for fee waiver please request the applicant to furnish the same.

Step 4 : Issuing Acknowledgement

Please issue a written acknowledgement in for every complete application received. The Central Government has not notified any such format yet. You may develop a simple format for acknowledgement for use within your public authority.

Advice:

- If the applicant pays fees in cash, please issue a valid receipt for this payment.
- If the application fee is already attached vide bank draft, postal order or banker's cheque it is enough to issue an acknowledgement for the application,
- A complete application must include all details mentioned in Step 2 above and proof of payment of application fee or proof of BPL identity (as the case may be).
- Please issue the original acknowledgement to the applicant. You may keep two carbon copies- one for yourself and the other for the CPIO while forwarding the application.

This acknowledgement may include details such as the name and address of the applicant, the date on which the application was received and the mode of payment of



application fees. An acknowledgement must be issued to BPL applicants also. In addition to the aforementioned details the acknowledgement issued to a BPL applicant may include details of identity proof that has been attached for claiming fee waiver. Please sign and stamp the acknowledgement.

Advice:

- Please remember this acknowledgement is in addition to a cash receipt. It is a document issued as proof of having received the citizen's application for information with or without the prescribed fees.
- Please issue this acknowledgement immediately. Do not request the applicant to come back another day to collect the acknowledgement.
- Please remember to mention the date of receipt on the acknowledgement clearly.

Step 5 : Registering Complete Applications

Please enter the details of the complete application into the an RTI register. All complete applications should be entered into this register the same day they are received.



Step 6: Dispatching Complete Applications to the concerned CPIO

Please dispatch the complete application along with the duplicate of the acknowledgement issued, to the concerned CPIO by post or courier on the same day you receive it. If for some reason you are unable to dispatch the application on the same day you should dispatch it the following working day. The Central Government has not prescribed a format that may be used for the covering letter. You may develop on such format for use within your public authority. This covering letter format could contain details such as your name, designation and contact address, date of receipt of application, registration number, fees collected (if any) and enclosures (if any).

Advice:

- If the application is not addressed to a specific CPIO or a public authority please read through the nature of information being requested. This will help you identify the public authority that is most likely to possess the information requested. You may then dispatch the complete application to the concerned CPIO using the CPIO directory published by the Central Government on the RTI portal at <http://rti.gov.in>
- You need not maintain a copy of the application for your records.

For applications received by post or courier

- Please follow Step 2.
- If the application is complete in all respects, please enter the details of the application in the prescribed RTI Applications register on the same day you receive it.
- After registering the application in the RTI Applications Register please issue an acknowledgement in the prescribed format and dispatch it to the applicant by post/courier on the same day. If for some reason you are unable to dispatch the receipt on the same day you should dispatch it the following working day.
- If the application clearly mentions the public authority from which information is being requested please dispatch it to the concerned CPIO on the same day you receive it.
- If the application is not addressed to a specific public authority please read through the nature of information being requested. This will help you identify the public authority that is most likely to possess the information requested. (The CPIO directory published by the Central Government on the RTI portal – <http://rti.gov.in> may be consulted for this purpose.) You may then dispatch the complete application to the concerned CPIO with a covering letter in the prescribed format.



Advice:

- If the applicant has not attached proof of payment of application fees and has also not claimed fee waiver – please send a communication by post/courier to the sender requesting him to furnish proof of payment of the prescribed application fees or visit your office to pay the fees in cash. If the application contains a contact telephone number please call up the applicant advising him/her to pay the application fees. This action saves time and effort and prevents wastage of stationery.
- Similarly if the applicant has not attached proof of identity despite claiming fee waiver in the application - please send a communication by post/courier to the sender requesting him/her to furnish proof of BPL identity. If the application contains a contact telephone number please call up the applicant advising him/her to furnish proof of BPL identity. This action saves time and effort and prevents wastage of stationery.
- If any of the details are missing or illegible please return the application by post/courier to the sender requesting him/her to fill in the missing or unclear details. If the application contains a contact telephone number please call up the applicant requesting him/her to visit your office to fill in the missing details.



Forwarding Appeals

For appeals received in person:

Step 1 : Receiving Appeals

As far as possible please receive citizens' appeals personally. A CPIO is empowered to receive appeals addressed to the Appellate Authority (AA) and the Central Information Commission (CIC).

Advice:

If you are on leave or travelling on duty please delegate the task of receiving appeals to your colleague or subordinate in writing. This standby arrangement must be displayed on the main notice board for the benefit of common people.

Step 2 : Checking Appeals

Please check whether the appeal contains the following details and enclosures –

- i) **name of the appellant**
- ii) **contact details of the appellant including complete postal address, telephone numbers and email address (if any)**
- iii) **authority to which appeal is being sent (whether AA or the CIC)**
- iv) **details of the authority against whose decision the appeal is being made (whether CPIO or the AA)**
- v) **nature and details of the information requested originally**
- vi) **copy of the information request submitted to the PIO/appeal letter sent to the AA (whichever is applicable)**
- vii) **rejection letter issued by the PIO against the appellant's information request (if any)**
- viii) **copy of the order issued by the AA (if any)**
- ix) **date on which appeal is being submitted.**



Advice:-

- 1) If the appeal letter is not legible please assist the appellant to write it clearly.
- 2) If the appellant has not filled in one or more of the above details please bring the same to his/her notice and request him/her to fill in the details wherever applicable.
- 3) Please make sure that the date mentioned on the appeal matches with the date on which you are actually receiving the letter. This is very important for calculating the deadline while forwarding the appeal to the concerned appellate authority.
- 4) There is no fee prescribed for filing appeals.
- 5) The appellant may not always know the exact name and complete postal address of the appellate authority he/she wishes to appeal to. So please do not insist upon the appellant to furnish these details. ***It is the duty of the CPIO to send the appeal to the concerned appellate authority.*** The directory published by the Central Government on the RTI portal <http://rti.gov.in> may be consulted for this purpose.)

Step 3 : Issuing acknowledgement

Please issue a written acknowledgement in the prescribed format for every complete appeal received. The Central Government has not notified any format for this purpose. You may develop a simple acknowledgement format for use within your public authority.

Advice:

- The appellant is not required to pay any fees for sending an appeal.
- The appeal letter must be treated as complete if it contains the above details and enclosures relevant to the case.

Step 4 : Registering the Appeals

Details of every complete appeal letter should be entered in the RTI Appeals register. You may develop a format for this purpose for use within your public authority.

Step 5: Dispatching Appeals

Every complete appeal must be dispatched to the concerned AA or the CIC (as the case may be) on the same day you receive it along with a covering letter in the prescribed format. If for some reason you are unable to dispatch the appeal on the same day you should dispatch it the following working day. The covering letter will include details such as your name, designation and contact address, date of receipt of appeal, registration number and details of enclosures.

Advice:

- You need not maintain a copy of the appeal for your records.

For appeals received by post or courier

- Please follow Step 2. If the appellant has not filled in one or more of the above details please return the appeal letter by post/courier to the sender requesting him/her to fill in the missing or unclear details. If the appeal letter



contains a contact telephone number please call up the appellant requesting him/her to visit your office to fill in the missing details. This action saves time and effort and prevents wastage of stationery.

- If the appeal is complete in all respects, please enter the details of the appeal in the prescribed RTI Appeals register on the same day you receive it.
- After registering the appeal please issue a receipt in the prescribed format and dispatch it to the appellant by post/courier on the same day. If for some reason you are unable to dispatch the receipt on the same day you should dispatch it the following working day.
- If the appeal clearly mentions the public authority to which the appeal is being made please dispatch it to the concerned AA on the same day you receive it. If for some reason you are unable to dispatch the application on the same day you should dispatch it the following working day.
- If the application is not addressed to a specific public authority please read through the appeal letter. This will help you identify the AA that is most likely to decide upon the appeal. (The directory published by the Central Government on the RTI portal- <http://rti.gov.in> may be consulted for this purpose.) You may then dispatch the complete application to the concerned AA. The appeal should be accompanied with a covering letter in the prescribed format. The Central Government has not notified any format till date. However you may develop a simple format for use within your public authority.
